REMARKS

This Application has been carefully reviewed in light of the Office Action transmitted March 27, 2007 (the "Office Action"). At the time of the Office Action, Claims 1-9 were pending, of which, Claims 1-3 and 5-9 were rejected. The Examiner objected to Claim 4. Applicants request reconsideration and favorable action in this case.

Applicants note with appreciation the indication by the Examiner that Claim 4 is directed to allowable subject matter.

Section 102 Rejections

The Office Action rejects Claims 1-3 and 5-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,885,641 to Chan et al. ("*Chan*"). Applicants respectfully traverse these rejections for the reasons stated below.

Claim 1 is directed to a method for monitoring middleware performance wherein a route time is determined for a message transmitted along a predetermined network route and at least one queue residency time is determined. The at least one queue residency time reflects an amount of time that at least one other message is stored in at least one respective queue located along the predetermined network route. In further accordance with the method, a middleware response time is calculated according to the route time and the at least one queue residency time. In addition to Claim 1, Claims 8 and 9 include limitations generally directed to determining a route time for a message transmitted along a predetermined network route. *Chan* does not disclose each of these limitations.

For example, Claim 1 discloses, "determining a route time for a message transmitted along a **predetermined** network route." The Examiner contends that *Chan* discloses these limitations and supports his rejection of Claim 1 by pointing to sections of *Chan* which recite, "[n]etwork response time has three components: latency (which includes propagation delay and network device processing delays) . . . ." See Office Action, page 2 (citing *Chan*, col. 22, lines 29-34). Applicants respectfully contend that the cited portions of *Chan* do not support the Examiner's rejection because, among other things, merely reciting "latency" as a component of "[n]etwork response time" does not disclose "determining a route time for a message transmitted along a **predetermined** network route" as required by Claim 1. Moreover, *Chan* directly recites, "the preferred embodiments treat the entire system of end processors and the network connecting them as a black box singular entity, providing a

testing methodology and mathematical analysis of for the entire system." See *Chan*, col. 6 lines 29-33. Applicants respectfully contend that "treat[ing] the entire system of end processors and the network connecting them as a black box singular entity" does not disclose "determining a route time for a message transmitted along a **predetermined** network route" as required by Claim 1. Accordingly, Applicants contend that Claim 1 and all claims depending either directly or indirectly from Claim 1 are in condition for allowance. Furthermore, for reasons similar to those discussed with respect to Claim 1, Applicants contend that Claims 8 and 9 are in condition for allowance.

CONCLUSION

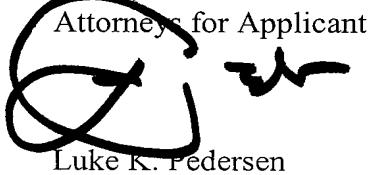
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of Claims 1-9.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any fees or credit any overpayments to **Deposit Account No. 02-0384 of Baker Botts L.L.P.**

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicant



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